

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HEALTH ENHANCEMENT PRODUCTS,
INC.,

Plaintiff,

v.

CEPTAZYME, LLC, a limited liability
company, and ZUS HEALTH, LLC, a limited
liability company,

Defendants.

Case No.:

Hon.:

Magistrate Judge:

Transferred from:

Oakland County Circuit Court

Case No. 12-124233-CK

Hon. James M. Alexander

NOTICE OF REMOVAL FROM STATE COURT

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1331, 1441, and 1446, Defendants Ceptazyme, LLC and Zus Health, LLC (collectively, "Defendants"), by and through their undersigned counsel, respectfully file this Notice of Removal of the above-entitled action to the United States District Court for the District of Michigan based on the following:

1. On January 13, 2012, an action was commenced in the Sixth Judicial Circuit Court, in and for Oakland County, entitled *Health Enhancement Products, Inc. v. Ceptazyme, LLC, and Zus Health, LLC*, Case No. 12-124233-CK (hereafter, the "State Court Action"). A copy of the State Court record is incorporated herein and attached hereto as Exhibit "A."

2. Defendant Ceptazyme received the Complaint and Summons, via certified mail, on February 2, 2012. Defendant Zus accepted service of the Complaint and Summons, through its counsel, on or about February 23, 2012.

3. This Notice of Removal is filed timely pursuant to 28 U.S.C. §1446(b), which provides that a defendant may file a notice of removal "within thirty days after the receipt by the

defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...."

4. Pursuant to 28 U.S.C. §1446(a), Defendants have filed this Notice of Removal in the United States District Court division within which the State Court Action is pending.

5. The case is removable pursuant to 28 U.S.C. §1441(b), inasmuch as the parties have complete diversity and none of the Defendants are citizens of Michigan.

6. Plaintiff Health Enhancement Products Inc. is a Nevada corporation.

7. Defendant Ceptazyme, LLC is a Utah limited liability company with the following parties as members:

- a. Jon Brown, a citizen of Utah.
- b. Essential Living, LLC, a Utah entity with Utah members.
- c. S & S Success, Inc., a Utah corporation.
- d. SVS&A, a Utah entity with Utah members.
- e. Robert McClain, a citizen of Ohio.
- f. Chris Maggiore, a citizen of Ohio.
- g. Research Institute Inc., a Utah corporation.
- h. Dennis Ickes, a citizen of Utah.

8. Defendant Zus Health, LLC is a Utah limited liability company with the following parties as members:

- a. Seahawk Group, LLC, a Nevada entity with Texas and Utah members.
- b. James Watson, a citizen of Utah.
- c. Gavin Dickson, a citizen of Utah.
- d. Andrea Waterfall, a citizen of Utah.

- e. Michael McDonald, a citizen of Utah.
- f. Dennis Ickes, a citizen of Utah.
- g. Brian Waterfall, a citizen of Utah.
- h. Jonathon Brown, a citizen of Utah.

9. Pursuant to 28 U.S.C. § 1446(a), the grounds for removal are that this is a diversity action under 28 U.S.C. § 1332(a)(1) based on the diversity of the parties and an amount in controversy which exceeds the sum or value of \$75,000, exclusive of interest and costs (as evidenced by the amounts in controversy in the License Agreement that is the subject of this action).

10. Pursuant to 28 U.S.C. §1446(a), Defendants have attached as Exhibit A copies of all process, pleadings and orders served on them in the State Court Action.

11. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal with its attachments will be promptly served on Plaintiff and notice thereof will be filed with the clerk of the Sixth Judicial Circuit Court.

WHEREFORE, Defendants hereby remove Sixth Judicial Circuit Court Case No. 12-124233-CK to the United States District Court, District of Michigan.

Respectfully submitted,

MADDIN, HAUSER, WARTELL, ROTH &
HELLER, P.C.

/s/ Brian A. Nettleingham

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Dated: March 1, 2012

CERTIFICATE OF SERVICE

I hereby certify that on **March 1, 2012** I electronically filed the above document(s) with the Clerk of the Court using the ECF system, which will automatically send notice of such filing to counsel of record.

**I DECLARE THAT THE FOREGOING STATEMENT IS TRUE AND
ACCURATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.**

/s/ Brian A. Nettleingham

By: Brian A. Nettleingham (P58966)
Local Counsel for Ceptazyme, LLC
and Zus Health, LLC